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12 JEFF SAWYERS & CHRISTINE SAWYERS

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA  
15

16  
17 JEFF SAWYERS & CHRISTINE  
SAWYERS,

18 Plaintiffs,

19 vs.

20 DYNAMIC RECOVERY  
21 SERVICES, INC.,

22 Defendant.  
23  
24

CASE NO. CV11-04096 VBF (OPx)

**JOINT RULE 26(F) REPORT**

Scheduling Conference: August 15,  
2011  
Time: 9:00 a.m.  
Judge: Hon. Valerie Baker Fairbank  
Courtroom: 9

25 COMES NOW Defendant DYNAMIC RECOVERY SERVICES, INC.,  
26 hereinafter "Defendant") by and through its undersigned attorney and Plaintiffs  
27 JEFF SAWYERS & CHRISTINE SAWYERS ("Plaintiffs") through  
28

1 their undersigned attorney jointly submit this report in accordance with Rule 26(f)  
2 of the Federal Rules of Civil Procedure and the Court's June 9, 2011 Order Setting  
3 Scheduling Conference in this matter.

4 **1. Disclosures**

5 The parties do not require any changes to the timing, form or requirement  
6 for disclosures under Federal Rules of Civil Procedure Rule 26(a). The parties will  
7 exchange the information required by Federal Rules of Civil Procedure 26(a)(1) on or  
8 before August 1, 2011.

10 **2. Discovery**

11 The parties do not require any limitations on discovery. The parties will  
12 meet and confer regarding the terms of a Stipulated Protective Order if necessary. The  
13 parties jointly propose to the Court the following discovery plan:

15 **a) All fact discovery will be commenced in time to be completed by**  
16 **February 6, 2012.**

17 The number of interrogatories, requests for admissions, and requests for  
18 production of documents, as well as the number and length of depositions shall be as  
19 set forth in the Federal Rules of Civil Procedure.

21 **b) Disclosure of experts under Federal Rule of Civil Procedure 26 (e)(2)**  
22 **due:**

23 All parties will provide the disclosures required on or before February 13,  
24 2012. Counter-designations of experts will be made on or before March 12, 2012.  
25 Expert discovery will be completed by April 2, 2012.

27 ///

1  
2 **3. Evidence Preservation**

3 Plaintiffs and Defendant will preserve relevant evidence, including  
4 electronically filed documents.

5 **4. Jurisdiction and Service:**

6 The parties agree that this Court's jurisdiction is based on 15 U.S.C.  
7 §1692k(d) and 28 U.S.C. §1331.

8 At this time, Plaintiff is not aware of any additional parties to be served,  
9 but asks that the time for service remain open until the completion of discovery.  
10

11 **5. Facts:**

12 **Plaintiffs:**

13 Plaintiffs alleges that Defendant violated the FDCPA and the RFDCPA  
14 while attempting to collect an alleged debt from Plaintiffs. Plaintiffs alleges that  
15 Defendant made wrongful disclosures of the debt to a third party, used unfair and  
16 unconscionable means to collect a debt, and committed conduct the natural  
17 consequence of which was to harass, oppress or abuse Plaintiffs. Furthermore,  
18 Plaintiffs allege that Defendant committed various common law torts including  
19 invasion of privacy, intentional/reckless infliction of emotional distress, and libel per  
20 se. Plaintiff reserves any and all rights to amend complaint should discovery warrant.  
21

22 **Defendant:**

23 Defendant denies Plaintiff's allegations. Defendant denies that it  
24 committed any violations of the FDCPA or RFDCPA and have a number of defenses  
25 as identified in Defendant's Answer to the Complaint.  
26

27 ///  
28

1           **6.     Legal Issues**

2  
3           **Plaintiff:**

4           Plaintiff alleges Defendant violated the each of the various provisions of  
5 the FDCPA and the RFDCPA.

6           **Defendant:**

7           Defendants denies Plaintiff's allegations.  
8

9           **7.     Motions**

10          **Plaintiff:**

11          If discovery warrants, Plaintiff anticipates filing a Motion for Summary  
12 Judgment.  
13

14          **Defendant:**

15          If discovery warrants, Defendant anticipates filing a Motion for Summary  
16 Judgment.  
17

18          **8.     Amendment of Pleadings**

19          Plaintiff does not intend to amend the Complaint at this time. Plaintiff  
20 reserves any and all rights to amend complaint should discovery warrant.  
21

22          **9.     Class Action**

23          Not at this time.  
24

25          **10.    Related Cases**

26          None.  
27  
28

1           **11    Relief**

2                   Plaintiff seeks relief as follows: \$2,000.00 for statutory violations plus  
3 any actual damages proved through discovery plus attorney's fees and costs.  
4

5           **12.    Narrowing of Issues**

6                   The parties agree it is premature to attempt to narrow the issues.  
7

8           **13.    Expedited Scheduling**

9                   The Parties do not agree that this case can be handled on an expedited  
10 basis.  
11

12                           **Additional Matters the Court's June 9, 2011 Order**

13           **14.    An Appropriate Last Date For The completion of discovery and the**  
14                   **hearing of motions, a date for a final pretrial conference and a trial**  
15                   **date:**  
16

17                   The parties propose that the cut-off date for fact discovery be February 13,  
18 2012; the cut-off for expert discovery be April 2, 2012; the last day for the Court to  
19 hear dispositive motions be March 26, 2012, a pretrial conference be held on May 7,  
20 2012; and trial by June 4, 2012.

21           **15.    Whether discovery should be conducted in phases or otherwise**  
22                   **ordered or limited:**  
23

24                   Discovery should not be conducted in phases or otherwise ordered or  
25 limited.  
26

27           ///

28           ///

1           **16. A preliminary estimate of the time required for trial:**

2           The parties request a trial by jury. The parties estimate that this case  
3 will take approximately 2 days for trial. It is anticipated that the case will be  
4 ready for trial by June 4, 2012.  
5

6           **17. Efforts made to settle or resolve the case to date, and parties' views**  
7           **as to an appropriate plan for maximizing settlement prospect**

8           The parties are currently engaged in settlement negotiations through  
9 their respective counsels and the parties agree to mediation under ADR  
10 auspices.  
11

12           **18. Whether the case is complex or requires reference to the**  
13           **procedures set forth in the Manual on Complex Litigation.**

14           This case is not complex and does not require reference to the  
15 procedures set forth in the Manual on Complex Litigation.  
16

17           **19. The likelihood of the appearance of additional parties:**

18           The parties do not intend to add additional parties to this case.  
19

20           **20. What motions the parties are likely to make that may be**  
21           **dispositive or partially dispositive:**

22           If discovery warrants, the parties may file motions for summary  
23 judgment. Other than that, at this time, the parties do not anticipate filing any  
24 dispositive, or partially dispositive motions, although each reserves the right  
25 to do so in the unlikely event that the matter is not resolved.  
26

27           **20. Any unusual legal issues presented by the case:**

28           None.

1                   **21. Proposals regarding severance, bifurcation or other ordering**  
2                   **of proof:**

3                   None at this time.

4  
5                   **22. What changes should be made in the timing, form, or**  
6                   **requirement for disclosures under Rule 26(a), including a**  
7                   **statement of when initial disclosures were made or will be**  
8                   **made:**

9                   None known at this time.

10  
11                  **23. Any issues about disclosure or discovery of electronically**  
12                  **stored information, including the form or forms in which it**  
13                  **should be produced:**

14                  None know at this time.

15  
16                  **24. Any issues about claims of privilege or of protection as**  
17                  **trial-preparation materials, including — if the parties agree**  
18                  **on a procedure to assert these claims after production —**  
19                  **whether to ask the court to include their agreement in an**  
20                  **order:**

21                  Parties may seek protect orders regarding certain information and  
22                  documents. If issues regarding specific discovery arises in this regard, the  
23                  parties will meet and confer to devise an acceptable solution. If the parties  
24                  cannot agree, they will seek the Court's assistance by way of motion.

25  
26                  **25. Any other orders that the court should issue under Rule 26(c)**  
27                  **or under Rule 16(b) and (c).**  
28



1 None requested at this time.

2  
3 DATED: July 27, 2011

CARLSON & MESSER LLP

4  
5  
6 By: /s/ Edgar N. De Vera  
7 Jeffery J. Carlson  
8 Edgar N. De Vera  
9 Attorneys for Defendant,  
10 DYNAMIC RECOVERY  
11 SERVICES, INC.

12  
13 DATED: July 27, 2011

ATTORNEY DEBT RESET INC

14 By: /s/ Justin Kenneth Kuney  
15 Justin Kenneth Kuney  
16 Steve Gimblin  
17 Attorneys for Plaintiffs,  
18 JEFF SAWYERS AND  
19 CHRISTINE SAWYERS.  
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